

until now, been traditionally dominated by cable companies.

This is because up until now, satellite service providers, unlike their land-based competitors, have not been allowed to rebroadcast local television signals. The result of this inequity has seriously undermined the ability of dish providers to provide meaningful competition to cable, notwithstanding the development of small dish-based systems that are more affordable than ever before. This inequity has only been further highlighted by cable companies, who in the spirit of American advertising, have waged a successful marketing war against satellite-based systems by point out the fact that even those customers with the finest satellite systems are still destined to be encumbered by old-fashioned "rabbit ear" antennas if they wanted to receive their regular local programming.

This bill rectifies this situation, by finally allowing satellite system providers to provide local television programming to their customers. This means that my constituents in Houston will be able to select between at least two services to satisfy their television needs—something that many of us have looked forward to for a long time. The fact that we are giving dish-providers the ability to rebroadcast local signals, however, does not come without additional responsibility. Under this bill, dish-providers will not be able to carry only those signals that stand to earn them a great deal of profit—they must also carry all of those local signals that are required of the cable companies. After all, this bill was designed in order to erase inequities, not further them.

Another mechanism in this bill that provides for an equal footing is the non-discrimination clause, which tells broadcasters that they must make their signals available for rebroadcast by cable and satellite companies. This prevents broadcasters from altering the landscape of competition in their markets by tipping the scales in favor of one side over the other by allowing them to choose whom will have the rights to rebroadcast their signals.

Having said that, although the debate on this bill, which came out of both the Commerce and Judiciary Committees, has been feverish at times, I believe we have reached an amicable situation to each of the interested parties involved. Most of all, however, I am convinced that we are addressing a topic that is vital to the comfortable living of our constituents. During debate on several of the more controversial provisions, we have received a great deal of mail from constituents, both satellite and cable customers, asking us to address this issue in earnest. I feel that with this bill, I can go back to Houston and reassure my community that relief is on the way.

I urge each of you to support this legislation, and to support meaningful competition for our constituents.

Mr. GILMAN. Mr. Speaker, I would first like to take this opportunity to thank my colleagues from the Commerce and Judiciary Committees for dedicating so much of their valuable time to this legislation.

Over the past few months I have received an overwhelming number of phone calls and letters from constituents who are outraged over the loss of their television stations. These families live in rural New York, among the peaks and valleys of the Catskill Mountains. They turned to the satellite industry to provide them with broadcast signals because cable

service was not an option. Moreover, satellite service offered them the clear, unobstructed signal they could not receive from a rooftop antenna. These hard working families do not deserve to lose the quality of the only service they have the option of enjoying.

As a cosponsor of the original legislation, I support H.R. 1554, "The Satellite Copyright, Competition, and Consumer Protection Act of 1999." I watched the development of this bill closely and I am very grateful to the Members who have worked together to bring this legislation to the floor. H.R. 1554 is more than a quick fix; by focusing on competition rather than regulation, this legislation addresses the heart and future of this market.

Each year more Americans subscribe to satellite service. However, these Americans cannot always access their local news, weather, or community stations. H.R. 1554 brings to the table the same "must carry" requirements that Congress implemented on the cable industry. Local broadcasting serves a "public good" by providing community programming and local information. If satellite service is to become an equal competitor in the broadcast market, they must be held to the same set of standards as their competition.

Moreover, this legislation addresses the discrepancies in the present "graded contour system," which fails to recognize the topography of certain regions. This system has unfairly prohibited many of my constituents from continuing to receive certain broadcast signals because of the location of their home. Thankfully, this legislation will require the FCC to review and reconstruct this outdated system and return service to the those who rely on this service.

Once again, I want to thank Chairman BILEY, Chairman HYDE, and all the members of the Commerce and Judiciary Committees for bringing this bill to the floor of the House.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1554.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY) that the House suspend the rules and pass the bill, H.R. 1554, as amended.

The question was taken.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DECLARING PORTION OF JAMES RIVER AND KANAWHA CANAL TO BE NONNAVIGABLE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1034) to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for

purposes of title 46, United States Code, and other maritime laws of the United States, as amended.

The Clerk read as follows:

H.R. 1034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The canal known as the James River and Kanawha Canal played an important part in the economic development of the Commonwealth of Virginia and the city of Richmond.

(2) The canal ceased to operate as a functioning waterway in the conduct of commerce in the late 1800s.

(3) Portions of the canal have been found by a Federal district court to be nonnavigable.

(4) The restored portion of the canal will be utilized to provide entertainment and education to visitors and will play an important part in the economic development of downtown Richmond.

(5) The restored portion of the canal will not be utilized for general public boating, and will be restricted to activities similar to those conducted on similar waters in San Antonio, Texas.

(6) The continued classification of the canal as a navigable waterway based upon historic usage that ceased more than 100 years ago does not serve the public interest and is unnecessary to protect public safety.

(7) Congressional action is required to clarify that the canal is no longer to be considered a navigable waterway for purposes of subtitle II of title 46, United States Code.

SEC. 2. DECLARATION OF NONNAVIGABILITY OF A PORTION OF THE CANAL KNOWN AS THE JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA.

(a) CANAL DECLARED NONNAVIGABLE.—The portion of the canal known as the James River and Kanawha Canal in Richmond, Virginia, located between the Great Ship Lock on the east and the limits of the city of Richmond on the west is hereby declared to be a nonnavigable waterway of the United States for purposes of subtitle II of title 46, United States Code.

(b) ENSURING PUBLIC SAFETY.—The Secretary of Transportation shall provide such technical advice, information, and assistance as the city of Richmond, Virginia, or its designee may request to insure that the vessels operating on the waters declared nonnavigable by subsection (a) are built, maintained, and operated in a manner consistent with protecting public safety.

(c) TERMINATION OF DECLARATION.—

(1) IN GENERAL.—The Secretary of Transportation may terminate the effectiveness of the declaration made by subsection (a) by publishing a determination that vessels operating on the waters declared nonnavigable by subsection (a) have not been built, maintained, and operated in a manner consistent with protecting public safety.

(2) PUBLIC INPUT.—Before making a determination under this subsection, the Secretary of Transportation shall—

(A) consult with appropriate State and local government officials regarding whether such a determination is necessary to protect public safety and will serve the public interest; and

(B) provide to persons who might be adversely affected by the determination the opportunity for comment and a hearing on whether such action is necessary to protect public safety and will serve the public interest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1034, a bill to declare a portion of the historic canal system in Richmond, Virginia, to be nonnavigable for purposes of subtitle II of title 46, United States Code.

The Richmond canal system is part of a waterfront economic development project undertaken by the city of Richmond. This bill will allow the city to offer boat tours on the canal and to bring economic opportunities to downtown Richmond. The Coast Guard has reviewed the city's plans for the boat tours and has found no safety problems with the operation.

This bill reflects a bipartisan agreement worked out with the city of Richmond. It provides additional safety oversight of the Richmond Canal if that becomes necessary in the future. The gentleman from Virginia (Mr. BLILEY) is the primary author of this bill. It is through his leadership that we are here today. I certainly commend him for his tenacity in getting us to bring this legislation to the floor. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1034, a bill to designate a portion of the James River and Kanawha Canal in Richmond as nonnavigable for purposes of subtitle II of title 46, United States Code.

Mr. Speaker, this is a very non-controversial bill. Its purpose is to allow the city of Richmond to regulate safety on this small body of water instead of the United States Coast Guard. The Kanawha Canal is about 1 mile long and 23 feet wide, with an average depth of 3 feet. As part of an urban renewal project, the city is going to have small boats taking passengers up and down the canal. This legislation will allow the city of Richmond to regulate the safety of the passengers on those vessels. If the Coast Guard finds that the vessels operated on these waters are built, maintained, or operated in a manner that does not protect the public, then the United States Coast Guard can revoke the nonnavigability determination and subject all of the vessels operating on the canal to full Coast Guard inspection and licensing of personnel. Because of the Coast Guard's safety expertise, the city of Richmond has committed to consulting with the Coast Guard before allowing any material changes to the construction, maintenance or operation of these vessels.

Mr. Speaker, I believe that this bill adequately balances the desire to promote tourism in Richmond with the need to ensure the vacationing public a safe boating experience on this canal. Therefore, Mr. Speaker, I urge my colleagues to support passage of H.R. 1034.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the author of this legislation.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I rise today in support of H.R. 1034, a bill I introduced with the gentleman from Virginia (Mr. SCOTT) to declare a portion of the James River and Kanawha Canal nonnavigable for purposes of subtitle II of title 46 of the U.S. Code.

The city of Richmond along with Richmond's Riverfront Management Corporation, a nonprofit group of local business and community leaders, have been working for several years to redevelop downtown Richmond. Their local historic preservation efforts will promote much needed economic development in Richmond's historic downtown and serve as a boost to tourism in Shockoe Slip and along the Richmond Canal front.

The focal point of this renaissance is a Canal Walk along the Haxall and James River and Kanawha Canals. The city of Richmond and Riverfront Management Corporation hope to operate boat rides for tourists on the canals.

Despite being filled in with dirt for 50 years, the canal was considered a navigable waterway and under Coast Guard jurisdiction because of its past use, over 100 years ago, in interstate commerce. The James River and Kanawha Canal ceased to be used for interstate commerce in the 1880s. The Haxall is already nonnavigable because it originated as a millrace.

This is not a major waterway. The canal, as the gentleman from Mississippi pointed out, averages a depth of 3 feet. At one point it is only 24 inches deep. It has a width of approximately 23 feet. It is a controlled channel with a constant water surface elevation and water velocity.

The city of Richmond sought the oversight responsibility for the James River and Kanawha Canal, and Richmond's Mayor Tim Kaine has written me and the gentleman from Virginia (Mr. SCOTT) to ensure us the city takes its obligation in protecting public safety seriously.

Mr. Speaker, I include copies of the two letters from the mayor in the RECORD at this point.

CITY OF RICHMOND,
Richmond, VA, April 13, 1999.

Hon. THOMAS J. BLILEY,
Hon. ROBERT C. SCOTT,
Rayburn House Office Building,
Washington, DC.

DEAR MESSRS. BLILEY AND SCOTT: I want to express my appreciation on behalf of the City of Richmond to you for introducing H.R. 1034 to declare the James River and Kanawha Canal non-navigable. The time and energy that you and your respective staffs have given on behalf of this important economic development project are greatly appreciated.

I am writing to address certain concerns that have been raised by members of the Committee on Transportation and Infrastructure professional staff regarding the op-

eration of canal boats on the James River & Kanawha Canal. As you know, members of your staffs and the committee visited Richmond yesterday to gain a first hand understanding of what this project entails.

The staff has expressed a desire to have a fuller understanding of the actions the City of Richmond will take after the canal is declared non-navigable to insure that boats operated on the canal are built, maintained and operated in a manner that will insure public safety. As you know, the Coast Guard has reviewed the design of the boats that will be used on this canal and found the design suitable for a passenger load of up to 40 people. The Coast Guard has also reviewed other aspects of the planned operation. As I understand it, the staff is not concerned with the operations as planned, but is seeking some assurance of how the city will address changes in operation that may be proposed at some time in the future.

It would be the city's intention to require that it receive notification from its franchisee (i.e. the Riverfront Management Corporation), of any material changes in the design or operation of canal boats on the James River & Kanawha Canal. The city would then utilize the provisions of section 2(b) of the current draft of legislation to seek advice and assistance from the Secretary of Transportation to enable the city to determine whether or not the proposed changes in operation or boat design were consistent with protecting public safety. The city would then exercise its authority under existing law to take appropriate action.

The city takes its obligation to protect public safety seriously and will make appropriate use of local, state, federal, and private sector expertise to insure that this project is operated consistent with protecting public safety. The canal redevelopment is of vital importance to the economic development of Richmond. The project is nearing completion and prompt passage of legislation is necessary.

I hope this letter will serve to clarify the manner in which the city plans to proceed once these waters are declared non-navigable.

Sincerely,

TIMOTHY M. Kaine, Mayor.

CITY OF RICHMOND,
Richmond, VA, April 20, 1999.

Hon. THOMAS J. BLILEY, JR.,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BLILEY: It was a pleasure speaking with you on Monday concerning the renovation and reopening of Richmond's Historic Canal System. We certainly appreciate your efforts to assist us with the Coast Guard regulation of the canal.

As we discussed, I will introduce an ordinance on Monday, April 26 mandating that the canal boats will carry no more than 40 passengers during operation. I expect that this ordinance will not encounter any opposition and should be passed at our meeting on May 10. Once the ordinance is passed, I will send a copy to you for appropriate distribution.

Thank you so much for assistance on this matter. We have waited a long time to reopen this historic resource and it will be a great benefit to generations of Richmonders.

Sincerely,

TIMOTHY M. Kaine, Mayor.

Mayor Kaine has also introduced an ordinance in the city council limiting the number of boat passengers to 40 in accordance with approved boat capacity by the Coast Guard. The city welcomes this responsibility and I believe

has more than demonstrated their commitment to ensuring a safe and enjoyable boat ride for Canal Walk visitors.

It should be noted this bill does not waive Federal, environmental or labor laws. It also ensures that safety regulations are in place and gives the Secretary of Transportation the authority to revoke the nonnavigable designation if the Secretary determines the tour boat concessions are not being operated in the interest of public safety.

H.R. 1034 gives the city of Richmond the freedom to continue its efforts to rejuvenate an historic part of the city, bringing renewed economic opportunity to downtown Richmond and a new historical perspective for the enjoyment of tourists and Richmonders alike.

I thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Virginia (Mr. SCOTT) for their efforts in working to produce a common-sense bipartisan bill. I urge its swift passage by the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the bill, H.R. 1034, which I have cosponsored with the gentleman from Virginia (Mr. BLILEY). The legislation, H.R. 1034, declares a portion of the James River and Kanawha Canal in Richmond, Virginia, between the Great Ship Lock on the east and the city limits on the west as nonnavigable waters. The bill gives jurisdiction and authority of the canal to the city of Richmond for the purpose of operating boats along the canal adjacent to downtown Richmond.

□ 1515

In the late 19th century the canal was used to transport commerce from other parts of Virginia on the James River and into the canal. The canal was eventually closed, and, as has been said, filled with dirt for many years. In 1973, a federal judge declared parts of the waterway nonnavigable. Nevertheless, due to its former use, to move commerce along the river, the Coast Guard has maintained that the canal has retained its technical classification as a navigable waterway.

Now the City of Richmond has redeveloped the area with Canal Walk, a project that will revitalize the area along the James River and Kanawha Canal. The canal, as has been stated, averages 3 feet in depth and has a width of approximately 23 feet when it opens, the city will use canal boats as a major attraction to draw tourists to the restored area of the river. The Canal Walk is expected to generate thousands of visitors who will enjoy numerous attractions and seasonal activities along the James River and Kanawha Canal, and it will play a valuable role in the revitalization of the river front.

This legislation makes clear that the City of Richmond may operate the boats on the canal with a number of accepted requirements and standards that will satisfy public safety concerns of Federal, State and local regulators. I would like to thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Mississippi (Mr. TAYLOR) for working in cooperation with the gentleman from Virginia (Mr. BLILEY) and myself in such an expeditious and bipartisan manner. H.R. 1034 has gained the unanimous support of the House Committee on Transportation, and I urge its acceptance by the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking minority member of the committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding this time to me. I, too, rise in support of H.R. 1034.

Mr. Speaker, I had concerns originally about this legislation as introduced, but those concerns have been addressed by an amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) during committee consideration of the bill. My primary concern was that the purpose of the introduced bill was to exempt vessels that would be operating on this stretch of the canal from all Coast Guard safety laws. Now these vessels would be transporting up to 35 passengers up and down the canal for admittedly a very limited distance, but those passengers would include small children, elderly persons, people in wheelchairs.

I was concerned also that the bill would exempt vessels from all other maritime laws of the United States, including the Jones Act and marine pollution laws, from my standpoint, a very unwelcomed precedent. In ordinary conduct of business the public has a right to expect that vessels they board will be safe, that is laws of the United States under which vessels operate will protect them.

Mr. Speaker, the primary purpose of these vessels is to serve the cause of tourism, and I am a very strong supporter of tourism. I chaired the Congressional Travel and Tourism Caucus for several years and advocated tourism. I want to see developments of this kind take place. This is a very ambitious, a very attractive waterfront development in the City of Richmond, which indeed started under the aegis of the gentleman from Virginia (Mr. BLILEY) when he was mayor there.

So I met with the gentleman from Virginia, and I expressed to him my concerns about the rather overly broad sweep of the language and was satisfied that the consequences of that language were not intended by any means by the gentleman from Virginia, nor the other gentleman from Virginia (Mr. SCOTT)

who was the principle co-author of this legislation, and after rather extensive discussion, we came to a very clear meeting of the minds, that adjustments should be made. The gentleman went back to his City of Richmond, talked with the mayor and city council and came back with a narrowing of the scope of the bill so that the designation as nonnavigable applies to a very much smaller and narrower set of Coast Guard laws.

Second, the language provides for the Coast Guard to revoke the designation and make the vessels operating on the canal subject to safety regulations if the vessels are not built, maintained and operated in a manner consistent with public safety, the City of Richmond will be primarily responsible for ensuring that the vessels are operated safely, and third, the gentleman from Virginia (Mr. BLILEY) also worked out with the City of Richmond an agreement to consult with the Coast Guard before allowing any material change in the operation of the vessels on the canal. So the city is the primary line of defense and responsibility for public safety and common wield.

The Mayor of Richmond, in fourth place, has agreed to introduce a city ordinance restricting the carrying capacity of these vessels to 40 people, the maximum allowed under Coast Guard guidelines and recommendations.

Mr. Speaker, I think these four changes make this a very acceptable bill. I know it took a good deal of effort on the part of both the principle author and the co-author of the legislation to make these adjustments, but they are in the best public interest, and I appreciate their cooperation. I think the public will appreciate their concern and action on behalf of safety, and certainly we should all rest assured that the traveling public will have a very safe medium in which to enjoy the pleasures and the extraordinary history of this beautiful City of Richmond.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1034, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1034, as amended, the bill just passed.